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Colorado Department
of Public Health
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MEMORANDUM

To: Steve Tarlton, Rocky Flats Program Unit

From: Joe Schiefflin, Rocky Flats IAG Unit Leader *JCS*
Facilities Section, Hazardous Waste Control Program
Hazardous Materials and Waste Management Division

Date: August 9, 1994

Subject: **HMWMD Comments, Draft NCPP IM/IRAPP Rev 1 July 1994**

Attached please find the Hazardous Materials and Waste Management Division's comments on the Rocky Flats Environmental Technology Site's Draft National Conversion Pilot Project Stage I Interim Measures / Interim Remedial Action (IM/IRA) Proposed Plan, Revision 1, 8 July 1994.

A number of issues concerning the generation and management of hazardous and mixed waste are raised in these comments that must be resolved before this IM/IRA can be approved.

If you have any questions regarding these comments, please contact Cathy Alstatt (692-3349) or Jeff Swanson (692-3416).

DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
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Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division

COMMENTS

Draft, National Conversion Pilot Project Stage I
Interim Measures / Interim Remedial Action Proposed Plan
Revision 1, 8 July 1994

General Comments:

RCRA Authority: Not all of the remediation activities are being carried out solely in accordance with CERCLA authority. Some of the activities discussed in this IM/IRA are being carried out under RCRA authority and enforced in Colorado by the Colorado Hazardous Waste Act (CHWA) and its implementing regulations. The State of Colorado's authority under RCRA must be fully acknowledged within this IM/IRA.

Interagency Agreement (IAG): The Interagency Agreement should be described in the IM/IRA. The IM/IRA must state that the NCPP IM/IRA is being conducted under the IAG.

CDPHE review and approval of Plans: Several supplemental planning documents are referenced in this IM/IRA which are of regulatory significance and must be reviewed and approved by the CDPHE prior to implementation. These supplemental planning documents include the Regulatory Oversight Plan, Sampling Plan, QA program, Site Support Services Agreement, Permitting Plan, and Waste Management Plan. Additionally, all memorandums of agreement developed for this IM/IRA that could impact CDPHE regulated activities must be submitted to the CDPHE.

The Division believes that the large number of supplemental plans being developed under the umbrella of this IM/IRA dilutes the IM/IRA and adds unnecessary potential for confusion or inconsistent actions in the implementation of the IM/IRA. The Division recommends that the substantive requirements and procedures from these supplemental plans be included in the IM/IRA. The brief summary reviews of such issues in the current draft IM/IRA are not sufficient.

Waste Management: A plan detailing how wastes will be managed including tracking, shipping, storing, and disposal must be developed and implemented prior to the generation of any hazardous waste or mixed hazardous waste from this project. This plan should include an estimate of the type and quantity of waste and the management of that waste. If the waste will be shipped off-site this must be clearly stated. This plan must also verify that there is appropriate storage for the waste generated from Phase II activities. A determination needs to be made as to the LDR compliance status of the wastes that will be generated during

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this phase. Specific comments regarding this issue are presented below in the Division's specific comments.

DOE, MSC, and EG&G Responsibilities: An explanation further defining the roles of DOE, MSC, and EG&G regarding waste management activities needs to be provided, especially regarding waste generation, storage, inspections and spill response.

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Specific Comments

Page 1-2. There are certain activities that have been or will be entered into the Rocky Flats Environmental Technology Site (RFETS) Plant Action Tracking System (PATS) that will have associated completion dates. Some of these activities have regulatory drivers and will need to be completed by the date specified in PATS.

Page 1-3. A 1973 land use map is of very limited value in describing current site conditions at the RFETS and should not be cited in this IM/IRA.

Page 1-11. It is stated that MSC will be responsible for all activities other than security and maintenance of safety systems inside the NCPP buildings. Is this an accurate statement or will EG&G continue to conduct activities in these buildings? At what point will the control shift from EG&G to MSC? A description of responsibilities for DOE, EG&G and MSC needs to be included in the IM/IRA.

Page 2-1. It is stated that the plans contained in this IM/IRA proposed plan are not intended to achieve the same level of cleanliness that would be required for closure of the facility by statutory mandate. However, closure of any RCRA unit must be conducted in accordance with the requirements of an approved closure plan. Any hazardous waste being stored in idle equipment must be removed from the equipment and properly characterized and managed.

Page 2-1. There may be some activities that will have enforceable milestones under the Colorado Hazardous Waste Regulations, including removal of all hazardous waste chemicals, closure of idle equipment that is storing hazardous waste and closure activities associated with permitted/interim status units. This IM/IRA decision document does not limit CDPHE's enforcement authority.

Page 2-1. Under the IAG, EPA and CDH have jurisdiction over the entire IM/IRA process, not only IM/IRA documentation. CDPHE jurisdiction includes oversight of all field activities.

Page 2-2. The statement, "The only permit or license currently in force at the RFETS that will be modified by the NCPP is the

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APENs," is not accurate. Under the IAG, IM/IRA decision documents are modifications to the corrective action section of the RFETS Hazardous Waste Permit.

Page 2-3. A detailed description of the quantity and type of straight hazardous waste that will be generated and how this waste will be managed needs to be included in the IM/IRA.

Page 3-1. Beryllium and depleted uranium are listed as the two primary contaminants of concern. What about enriched uranium?

Page 3-5. A final determination as to the use of the equipment that is contaminated with beryllium (Be) dust needs to be made. Only discarded, beryllium dust is regulated by the Colorado Hazardous Waste Regulations, therefore no comments are made concerning cleanup levels for beryllium overall. Comments concerning the cleanup levels for those areas where Be dust was used will be made after a decision is made as to the future use of this equipment.

Page 3-8. Uranium is not regulated by the Colorado Hazardous Waste Regulations and therefore no comments are made by this Division concerning cleanup levels for either depleted or enriched uranium.

Page 3-13. If remedial activities have not been completed at IHSSs within the NCPP buildings prior to Stage II activities, any remaining remedial activities should be integrated with NCPP Stage II activities, not isolated from them.

Page 3-14. There are no permitted waste storage tanks at RFETS. These tanks have interim status.

Page 3-14. Who will be responsible for wastes generated from other activities in the NCPP buildings such as closure of the uranium chip roaster, wastes associated with the plating lines, and idle equipment? Will these wastes be stored in the same 90-day areas as the waste generated from the NCPP activities? If so who will be responsible for conducting the inspections and responding to incidental spills?

Page 3-15. A cleanup level of 1/10 of the PEL for COCs is proposed. These levels appear to be adequate but will not be applicable to units that are undergoing RCRA closure.

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Page 4-7. One of the assumptions listed is that an agreement will have been reached that all wastes generated during Stage II of the NCPP program remain under the ownership of the DOE, and as such, they are responsible for designating suitable storage and disposal locations. Who at the DOE is responsible for making these decisions? Has this agreement been reached and has it been formalized? A plan detailing storage and disposal methods for hazardous waste and mixed hazardous waste generated from this project must be submitted to CDPHE prior to any waste generation from this project.

Page 4-7. The assumption is made that agreement will have been reached for removal of waste generated during Stage II as or soon after it is generated. All hazardous waste and mixed hazardous waste must be removed from these buildings within 90-days of generation unless MSC becomes a permittee for RFETS. A plan detailing how wastes will be managed, including tracking, shipping, storing, and disposing must be developed and implemented prior to generation of any hazardous waste or mixed hazardous waste from this project. Some of this information is contained in various portions of this document and should be brought together into the waste management plan.

Page 4-10. Even though compounds to be used for decontamination are themselves non-hazardous the wastes generated may be hazardous. For example, paint stripped from objects may contain hazardous waste levels of lead and other metals.

Page 4-14. Waste generated from electropolish units may generate listed/characteristic hazardous waste.

Page 4-25. Specific contingencies must be developed for the proper management and disposal of aqueous wastes from NCPP building which do not meet the acceptance criteria for treatment at Building 374.

Page 4-25. When will any sludges from any of the activities in Phase II be removed and how will they be managed?

Page 4-27. Cleanup wastes generated during Stage II may also be subject to regulation by the Colorado Hazardous Waste Act and its implementing regulations not strictly RCRA.

Page 4-28. Is there a contract with Envirocare in Utah to accept

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the LLM waste that will be generated from this project?

4-29. Please be advised that it is anticipated that the State of Colorado will, in the near future adopt regulations concerning the management of waste oil. These regulations may impact the management of waste oils that will be generated during Stage II activities.

4-40. If it is determined that Stage III activities will require any permit relating to the management of hazardous wastes these should be identified as soon as possible due to the length of time required to obtain a permit.

7-1. Public participation must reference and follow IAG requirements. Comments on the draft IM/IRA can only be submitted to the DOE, EPA, or CDPHE.

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General Comments on the NCPP Site Support Services MOA

Waste Management: DOE, MSC, and EG&G must develop a plan that details that there is appropriate storage for wastes generated from Phase II activities prior to waste generation. A determination needs to be made as to the LDR compliance status of the wastes that will be generated during this phase.

DOE, MSC, EG&G Responsibilities: An explanation further defining the roles of MSC and EG&G regarding spill response actions needs to be provided, including a clarification of the difference between investigation activities associated with spills and cleanup activities.

Specific Comments on the NCPP Site Support Services MOA

Page 22. The section concerning who will respond to what type of incident needs to be clarified. MSC needs to develop their own Contingency Plan. This plan can refer to what services the RFETS Fire Department will provide.

Page 25. Will the evacuation routes and accountability areas for the buildings change? If so all of this information must be in the Contingency Plan.

A Contingency Plan needs to be developed and implemented prior to MSC taking over activities in the buildings.

Page 35. All RCRA units should be closed prior to being used for Stage II activities and if needed, operated as 90-day areas, if possible.